**TIA Hazmat Materials Regulations for 3PLs**

***\*The information contained below is only a guideline for carrier selection on hazardous materials shipments. It does not cover information pertaining to all situations. For the purpose of clarity, in those situations that are questionable, the guidance of a hazmat professional is suggested.***

As a Broker, IMC or 3PL, the arrangement of hazardous materials transportation might be considered an intimidating endeavor. Transportation of all hazardous materials is governed by the Department of Transportation (49 CFR). Shippers and carriers that perform defined hazmat functions must observe / comply with 49 CFR Parts 100-185 and are considered an “offeror.” An offeror is one who performs any of the following compliance functions:

\* Registration \* Marking

\* Classification \* Labeling

\* Packaging \* Placarding

\* Develop a Security Plan \* Training & Emergency Response

\* Documentation & Shipping Descriptions

In order to prevent your firm from being classified as an offeror your employees should be trained to not perform in any of the above functions.

An entity like a property broker, IMC or freight forwarder, that simply connects a shipper with a carrier to move hazardous materials, need not register with the Department of Transportation (DOT), and is not subject to provisions within 49 CFR.

For such entities, not subject to 49 CFR, the following is for information purposes only.

While the legal responsibility under 49 CFR resides with the offerors, entities not subject to the provisions within 49 CFR who wish to provide good customer service to their customers, will be well served to only send in carriers who are properly registered with the Pipelines and Hazardous Materials Safety Administration (PHMSA) and the Federal Motor Carrier Safety Administration (FMCSA) under DOT. Such carriers:

* Have a minimum $5 million coverage for hazardous commodities and that the broker obtains written evidence of this (\*Please check with your insurance provider about additional requirements for instances with hazardous cargo)
* Abide by all local, state, and federal law requiring the transport of that type of cargo in place
* Have an action plan (not a security plan) in place to deal with incidents

\*Please note PHMSA registrations are valid for 1-3 years.

After January 1, 2005, the Federal Motor Carrier Safety Administration (FMCSA) requires motor carriers to obtain a Hazardous Materials Safety Permit (HMSP) prior to transporting certain highly hazardous materials. An HMSP is required to transport any of the following materials: https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/DOT\_FMSCA\_HazMatBroch\_04\_2016\_508CLN.pdf

HazMat regulations have been established to insure safety in handling and transporting hazardous materials. These regulations are found in Title 49 of the Code of Federal Regulations (49 CFR). In the event of an incident, failure to comply could result in civil or criminal penalties.

Helpful Links:

* PHMSA Registration certificate lookup: <https://hazmatonline.phmsa.dot.gov/Services/companylookup.aspx>
* FMCSA Permit Verification: <http://mcmis.volpe.dot.gov/mcs150t/pkg_shipper.prc_shipper_request>

* If a waste product is being hauled, an Environmental Protection Agency (EPA) ID and uniform hazardous waste manifest are required as well. \*Please note various States have specific regulations.
  + EPA Facility Identification Lookup: <https://www3.epa.gov/enviro/facts/rcrainfo/search.html>

For more information, please visit FMCSA’s hazardous materials information website: <https://www.fmcsa.dot.gov/regulations/hazardous-materials>